

7 January 1978

*per Legislation*

MEMORANDUM FOR THE PRESIDENT

SUBJECT: New Executive Order on Intelligence

One provision of the new Executive Order on intelligence [Section 4 (c)] requires the SCC to make recommendations or give approval to sensitive intelligence collection operations. As understandable as it is to place some form of control over such operations, I believe that this provision may cause more problems than the added control will be worth. Specifically:

a. We all recall the instance in which you cancelled two clandestine operations because they had been disclosed to a few members of one committee of Congress. I suggest that the visibility of the SCC process and its track record on security warrants more concern than the Congress. If, to meet this danger, we drastically curtail SCC staffing procedures, we may place a very high burden on the SCC principals, depending on the number of such operations considered to be sensitive.

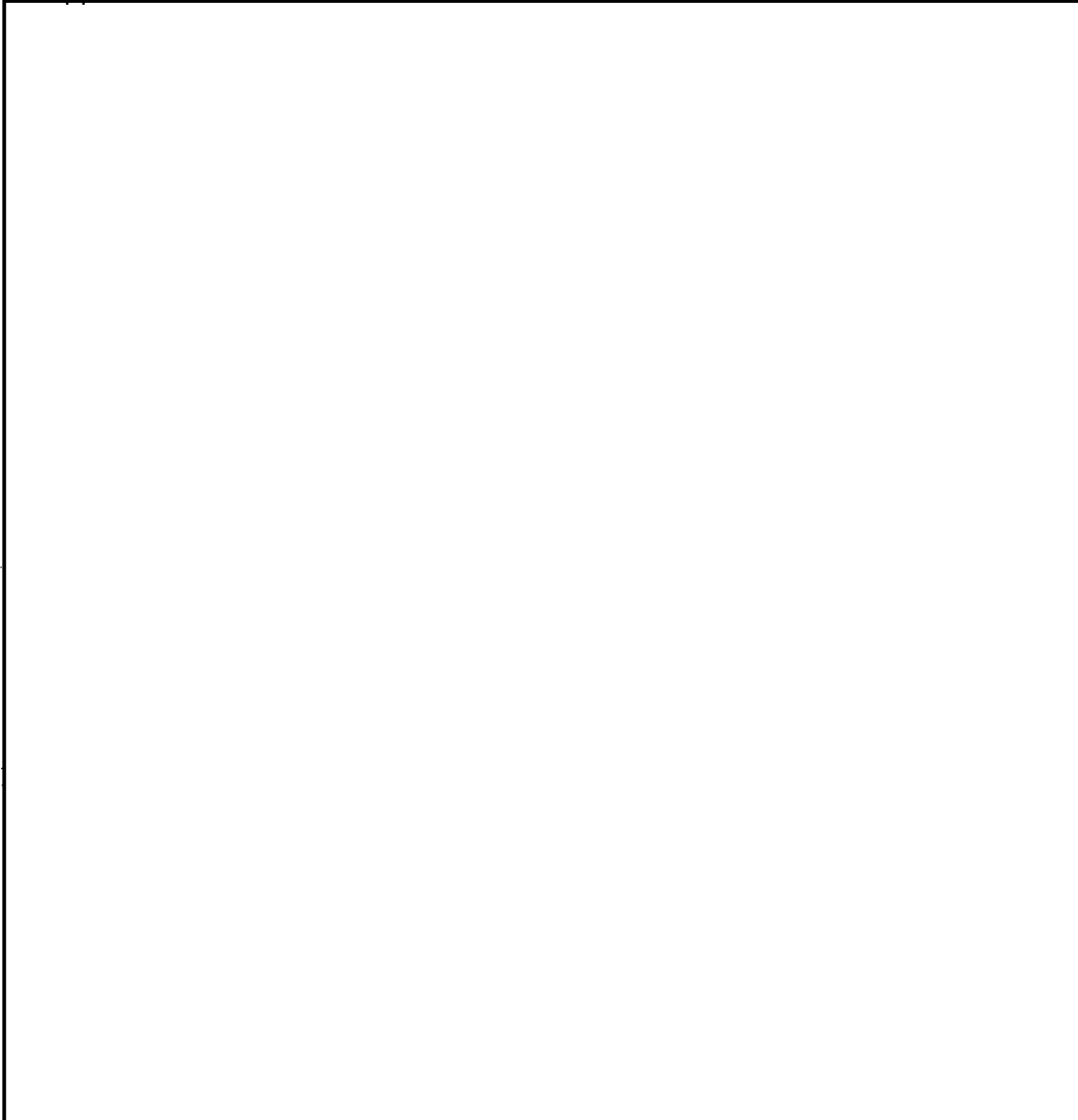
b. There is no way to define "sensitive" in this context, e.g., expense, location or number of U.S. persons involved all could miss the mark. What is sensitive in one country may not be in the next, at one moment not the next, etc. Also, operations approved and in train as nonsensitive can turn sensitive for a wide variety of reasons. In short, we are virtually dependent on the DCI to recognize and identify sensitive operations, no matter what the review process. What the Executive Order can do is to establish pressures on the DCI to identify sensitive operations and subject them to added scrutiny outside the Intelligence Community. This could be achieved with the following wording:

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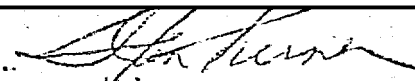
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This wording avoids the requirement for a specific written review process of the most sensitive operations which:



  
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